

Wilder, Ceciley

From: Rivera, Shirley
Sent: Wednesday, January 15, 2014 3:33 PM
To: Latha K. Toopal; Pervinder Tandon
Cc: Aquitania, Manny
Subject: RE: Freeport McMoRan Morenci; Renewal Permit #57883; Draft documents

Pervinder and Latha,

Thank you for the opportunity to review the draft Title V permit renewal we received on **November 4, 2013** for the following permit action -

- **FACILITY NAME:** Freeport-McMoRan Morenci Inc.
- **ACTION:** Title V Renewal
- **PERMIT:** Air Quality Permit No. **57883**

In accordance with Arizona DEQ (ADEQ) regulations and 40 C.F.R. § 70.8(c), EPA has 45 days from receipt of the proposed permit and all necessary supporting documentation to object in writing to its issuance. EPA did agree (as referenced [below](#) in an October 2013 email) to initiate our 45-day review period concurrent with the draft public comment period that we understand ended **January 13, 2014**.

At this time, the proposed Title V renewal forwarded to us on January 15, 2013 is acceptable for the purposes of processing this Title V renewal permit. EPA does not have additional comments or objections and therefore ends our review period.

As background, our review and comments are included in this email thread.

- On January 10, we emailed ([below](#)) highlights of our telephone conversation regarding our review and comments.
- On January 14, we received a copy of a revised proposed Title V renewal; this incorporated our request to include reference to the Administrator, where applicable.

Meanwhile, we do note that we may, at a later date, follow-up with Arizona regarding the inclusion/exclusion to reference of *the Administrator*. As part of my review and comments, I discussed this permit - with a representative in our Air & TRI/Enforcement Office and with my manager - ADEQ's decision to retain the originally proposed permit version (*e.g.*, does not include reference to the Administrator).

Please note that the 60 day period for the public to petition the Administrator to object to the permit begins the day after EPA's 45 day review period would otherwise end. Please note that if the permit is later found to require corrective steps (including, but not limited to, reopening the permit for cause), the expiration of both EPA's review period and the public petition period without EPA objection does not compromise the agency's authority to take such measures.

Feel free to contact me at (415) 972-3966 if you have any questions or concerns.

- Shirley

Week of Jan 13: *Planned* **IN** Mon-Fri; *Out* Tues, Fri (partial day)

Week of Jan 20: *Planned* **IN** Tues-Fri

Shirley F. Rivera

T: (415) 972-3966 | F: (415) 947-3579 | Rivera.Shirley@epa.gov | Workspace #17112

U.S. EPA, Region 9, Air Permits Office (AIR-3) | 75 Hawthorne St., San Francisco, CA 94105



From: Latha K. Toopal [<mailto:Toopal.Latha@azdeq.gov>]
Sent: Wednesday, January 15, 2014 8:18 AM
To: Rivera, Shirley
Cc: Aquitania, Manny; Pervinder Tandon
Subject: RE: Freeport McMoRan Morenci; Renewal Permit #57883; Draft documents

Shirley,

We reviewed our rules and noted that R18-2-902.B and R18-2-1102.b specifically excludes the need to require sources to submit the reports to the Administrator as well. Therefore the permit has been reverted back to the original version that was sent for public notice. A copy is attached.

Let us know if you have any other comments.

Thank you.

Latha Toopal
602 771 2273

From: Pervinder Tandon
Sent: Tuesday, January 14, 2014 9:30 AM
To: 'Rivera, Shirley'; Latha K. Toopal
Cc: Aquitania, Manny; Pervinder Tandon
Subject: Freeport McMoRan Morenci; Renewal Permit #57883; Draft documents

Hi Shirley,

The public notice for FMMI Renewal Permit ended January 13, 2014. ADEQ did not receive any comments on the draft permit.

Based on the phone discussion with you, the draft permit has been modified for NSPSA applicable areas by adding the Administrator along with Director for submitting the relevant reports.

I am attaching the revised draft permit and draft TSD for your review.

You are requested to review this and provide your clearance of 45-day review period at your earliest.

Thanks,

Pervinder K Tandon
Environmental Engineering Specialist
Existing Source & General Permits Unit

Email: pkt@azdeq.gov
Ph: (602) 771-2358
Fax: (602) 771-2366

From: Rivera, Shirley [<mailto:Rivera.Shirley@epa.gov>]
Sent: Friday, January 10, 2014 3:20 PM
To: Latha K. Toopal; Pervinder Tandon

Cc: Aquitania, Manny

Subject: RE: (ADEQ) RE: Draft permit documents for Freeport McMoRan Morenci (FMMI) Renewal Permit #57883

Latha,

Thanks for the reminder. I do recall this. That said, here is the following update/correction ... presuming the following -

- There are no substantive changes to the 30-day draft public comment version that we reviewed, and
- There are no additional comments for which ADEQ must respond such that there would be substantive changes to the permit, and
- The proposed permit for EPA's 45-day review is essentially the same permit language/requirements we reviewed (and discussed this morning) -

- then we understand the following will occur -

- ADEQ will forward the proposed permit for EPA's 45-day review, and
- if applicable, on the day of receipt, EPA will reiterate our comment (e.g., reference to Administrator), however, we understand ADEQ intends to address our comment in the proposed version we receive, and
- if the proposed permit addresses our comment, that will end EPA's review of the permit, and
- shortly thereafter, ADEQ will issue a final version of the Title V renewal permit.

- Shirley

From: Latha K. Toopal <Toopal.Latha@azdeq.gov>

Sent: Friday, January 10, 2014 12:34 PM

To: Rivera, Shirley; Pervinder Tandon

Cc: Aquitania, Manny

Subject: RE: (ADEQ) RE: Draft permit documents for Freeport McMoRan Morenci (FMMI) Renewal Permit #57883

Hello Shirley,

Thank you for your efforts in reviewing the permit. We will look into the NSPS reporting requirements and where deemed necessary will include the Administrator as well.

There seems to be a little confusion over the start of the EPA review period. Back in October EPA had agreed to perform a concurrent review of the permit during the public notice period. A copy of the email is attached. The public notice ends on 1/11/2014. So far we have not received any comments from the public. Could you clarify the correct end date?

Thank you.

Latha Toopal
602 771 2273

From: Rivera, Shirley [<mailto:Rivera.Shirley@epa.gov>]
Sent: Friday, January 10, 2014 1:07 PM
To: Pervinder Tandon; Latha K. Toopal
Cc: Aquitania, Manny
Subject: (ADEQ) RE: Draft permit documents for Freeport McMoRan Morenci (FMMI) Renewal Permit #57883

Pervinder,

Thank you for the opportunity to review the proposed Title V permit renewal -
FACILITY NAME: Freeport McMoRan Morenci, Inc.
ACTION: Title V Renewal
PERMIT: Air Quality Permit No. 57883

The following presents an overview of our telephone conversation (this morning) regarding the 30-day draft public comment version of the above noted permit. Upon receipt of your Agency's formal request for EPA's 45-day review period of the proposed renewal, we will submit our comments at that time and confirm the end of the 45-day period. If there are additional substantive revisions to the draft permit, we will conduct an additional review of those revisions and include, if applicable, additional comments.

NSPS - There are various requirements for notifications, reporting, plan submittals, etc. We note that the permit references the Director (i.e., ADEQ). As discussed, at a minimum, there are select requirements for which EPA Region 9 (i.e., Administrator) should be referenced. Therefore, where applicable, we request that the reference to "and Administrator" be added to various permit conditions associated with federal applicable NSPS requirements. I will follow-up with our Clean Air/TRI Enforcement Office to confirm which are those select requirements. Meanwhile, as you had mentioned, please feel free to review the NSPS delegation agreements which may make similar references.

I will make note of the discussion we had regarding the following: (a) categorical source within the non-categorical source, (b) startup/shutdown/malfunction provisions, (c) AOS conditions and minor revisions, and (d) testing frequencies. Based on our discussion, I will not be providing comments on these topics. I appreciate the background you provided.

Feel free to contact me at (415) 972-3966 if you have any questions or concerns.

- Shirley

From: Pervinder Tandon <Tandon.Pervinder@azdeq.gov>
Sent: Tuesday, November 12, 2013 1:56 PM
To: Rivera, Shirley
Cc: Pervinder Tandon
Subject: Draft permit documents for Freeport McMoRan Morenci (FMMI) Renewal Permit #57883

Hi Shirley,

We have completed work on draft documents for renewal permit for FMMI. We have sent the draft documents to FMMI for their review before Public Notice. In view of this, I presume that it will be appropriate to send the advance copy of documents for your review as well. You have probably agreed for a concurrent review of the documents with public notice time period. This will provide you some additional time for review of draft documents.

Please contact me if you have any questions,

Thanks,

Pervinder K Tandon
Environmental Engineering Specialist
Existing Source & General Permits Unit

Email: pkt@azdeq.gov
Ph: (602) 771-2358
Fax: (602) 771-2366

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